

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the following finding of facts:

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 41749

DATE 10/21/87 ACCOUNT 01-115-000

AMOUNT \$ 100.00

RECEIVED FROM Al. Nolan, Plumhoff & Williams

FOR Sph # 153

B 0025*****10000: 2214F

VALIDATION OR SIGNATURE OF CASHIER

IN RE: PETITION FOR SPECIAL HEARING *
S/W side Old Georgetown Rd. *
4400' SW of Joh Avenue *
13th Election District *
1st Councilmanic District *
Peter and John Radio *
Fellowship, Inc. *
Petitioner *

BEFORE THE *
ZONING COMMISSIONER *
OF BALTIMORE COUNTY *
Case No. 88-204 SPH *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an amendment and modification to the site plan and order in Special Exception case Nos. 5767-XA and 84-131 SPHA to permit an unmanned, accessory equipment building.

The Petitioner, J. Tom Bisset, General Manager of WRMS (Radio Call letters of Petitioner) appeared, testified and was represented by counsel, Stephen J. Nolan, Esquire. Also appearing on behalf of the Petitioner were the following: Gordon J. Langden, Registered Property Line Surveyor, with Gerhold, Cross and Etzel, Emilienne O'Rourke, Real Estate Manager for Cellular One, and Nicholas Commodari. There were no protestants.

The subject property, zoned M.L.R., is located at 3600 Georgetown Road just east of Interstate 95 and north of the Baltimore Beltway. In 1973, the Petitioner filed a Petition for Special Exception for wireless transmitting and receiving station, case #5767-XA. Said Special Exception was granted. In 1983, Case #84-131 a Petition for Special Hearing and a Petition for Variance were filed wherein Petitioner requests permission to amend the plan for the property to construct on it a 515 foot guide tower and numerous variance. Said request was granted on November 27, 1983 subject to various restrictions. An appeal to the Board of Appeals was taken by People's Counsel. The Board affirmed the Deputy Zoning Commissioner's opinion on April 24, 1984.

The testimony at the hearing indicated that Petitioner's request is necessitated due to the need for additional equipment storage facilities at

the site by Cellular One. Currently, Cellular One has use of 96 sq. feet of space in the existing building. If an amendment is permitted as requested, Cellular One will have 480 sq. feet of storage space which will permit Cellular One to better serve its customers and meet the needs of the public for increased service. Ms. O'Rourke testified that currently due to inadequate equipment storage space many calls are lost or not able to be placed in the area. The Petitioner contends the request is consistent with the County and Federal Communication Commission's policy of encouraging the co-location of tower facilities with multiple tower uses.

Subsequent to the hearing, the Petitioner had prepared and filed in the case an amended site plan which is dated December 1, 1987 setting forth pertinent information requested at the hearing on the plat plan.

The Petitioner seeks to amend the site plan approved in Case No. 84-131 SPHA pursuant to Section 500.7 of the Baltimore County Zoning Regulations (B.C.Z.R.).

It is clear from all of the testimony and evidence presented that to grant Petitioner's request would not be contrary to the spirit and intent of the B.C.Z.R. and would not result in substantial detriment to the public health, safety and welfare.

Pursuant to the advertisement, posting of property, and public hearing on this Petition held, and after due consideration of the testimony and evidence presented, in the opinion of the Deputy Zoning Commissioner, the requested special hearing would be in strict harmony with the spirit and intent of the B.C.Z.R. and would not be detrimental to the health, safety and general welfare of the community and should therefore be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner of Baltimore County, Maryland, this 18th day of December, 1987, that an amended site plan

to in accordance with Petitioner's Plat Plan dated December 1, 1987 and filed in this case on December 4, 1987 be approved, and as such, the Petition for Special Hearing is hereby GRANTED, subject, however, to the following restrictions:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. The Restrictions, numbered 1 through 6, enumerated in Case #84-131 SPHA in the Order of the Deputy Zoning Commissioner, Jean Jung, dated November 21, 1983 are incorporated herein and shall apply.

Ann M. Nastarowicz
ANN M. NASTAROWICZ
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY

ANN:mnn
cc: People's Counsel
cc: Stephen J. Nolan, Esquire

ORDER RECEIVED FOR FILING
Date 10/21/87
By Steph J. Nolan

THE SHENK CORPORATION

ENGINEERS AND SURVEYORS
43 EAST LEE STREET, BEL AIR, MARYLAND 21014
WILLIAM SHENK, P.E. - RONALD M. KEARNEY, PROPT. L.B.

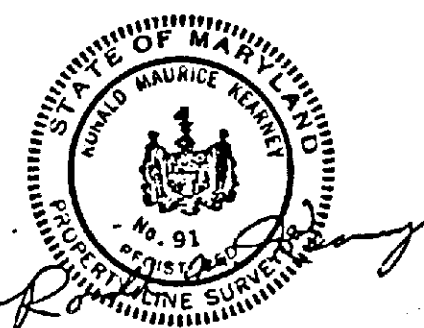
June 22, 1983

PN 8302

PARTICULAR DESCRIPTION
LAND OF
PETER AND JOHN RADIO
FELLOWSHIP, INC.

Beginning for the same at a point on the southeasterly side of Old Georgetown Road, said point being distant in a southwesterly direction 4,400 feet ± from a point of intersection formed by the center of Old Georgetown Road and the center of Joh Avenue, running thence and leaving the aforesaid Old Georgetown Road the six following courses and distances viz:

- (1) South 28 - 10 - 00 West 350.19 feet,
- (2) North 45 - 29 - 00 West 179.22 feet,
- (3) North 13 - 57 - 00 East 15.79 feet,
- (4) North 19 - 47 - 40 East 147.70 feet,
- (5) North 15 - 42 - 40 East 193.23 feet, and
- (6) South 49 - 56 - 00 East 244.28 feet to the beginning hereof. Containing 1.59 acres of land more or less.



December 17, 1987

Stephen J. Nolan, Esquire
Nolan, Plumhoff & Williams, Chtd.
204 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Petition for Special Hearing
S/W of Old Georgetown Road, 440' SW of Joh Avenue
13th Election District - 1st Councilmanic District
Peter and John Radio Fellowship, Inc. - Petitioner
Case No. 88-204-SPH

Dear Mr. Nolan:

Enclosed please find the decision rendered in the above-referenced case. Your Petition for Special Hearing has been granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

AM:bjs

Enclosures

cc: Emilienne O'Rourke, Real Estate Manager
Washington/Baltimore Cellular Telephone Co., d/b/a Cellular One
7855 Walker Drive
Greenbelt, Maryland 20770

People's Counsel
File

PETITION FOR SPECIAL HEARING

13th Election District - 1st Councilmanic District
Case No. 88-204-SPH

LOCATION: Southwest Side of Old Georgetown Road, 4400 feet Southwest of Joh Avenue

DATE AND TIME: Tuesday, December 1, 1987, at 11:00 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to approve an amendment and modification to the site plan and Order in Case Nos. 5767-XA and 84-131-SPHA to permit an unmanned, accessory equipment building

Peter and John Radio Fellowship,
Being the property of _____, as shown on plat plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

J. ROBERT HAINES
ZONING COMMISSIONER
OF BALTIMORE COUNTY

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER
S/W of Old Georgetown Rd., 4400' :
SW of Joh Ave., 13th District : OF BALTIMORE COUNTY
PETER AND JOHN RADIO FELLOWSHIP, : Case No. 88-204-SPH
INC., Petitioner :
: : : : :
ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 13th day of November, 1987, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esquire, Nolan, Plumhoff & Williams, Chartered, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner; and Emilienne O'Rourke, Real Estate Manager, Washington/Baltimore Cellular Telephone Co., 7855 Walker Dr., Greenbelt, MD 20770, Tenant.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353
J. Robert Haines
Zoning Commissioner

November 18, 1987

Mr. John Thomas Bissett
Peter and John Radio Fellowship, Inc.
Radio Station WRBS
3600 Georgetown Road
Baltimore, Maryland 21227

Re: Petition for Special Hearing
SW/S Old Georgetown Road, 4400' SW of Job Ave.
13th Election District, 1st Councilmanic District
Peter and John Radio Fellowship, Inc. - Petitioner
Case number: 88-204-SPH

Dear Mr. Bissett:

Please be advised that 87.58 is due for advertising and posting of the ve-referenced property. All advertising and posting fees must be paid prior to the hearing. Do not remove the sign from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN AND POST RETURNED
ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED

Please make your check payable to Baltimore County, Maryland and forward to the Zoning Office, County Office Building, Room 113, Towson, Maryland 21204.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

JRH:

cc: Stephen J. Nolan, Esq.



Dennis F. Rasmussen
County Executive

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

88-204-SPH

District: 13th Date of Posting: 11-16-87
Posted for: Special Hearing
Petitioner: Peter and John Radio Fellowship, Inc.
Location of property: SW/S Old Georgetown Road 4400' SW
of Job Ave.
Location of Sign: 1. Location sign at the intersection of Georgetown
Road & Old Georgetown Road leading to subject site. 2. Signs each of
Mark & Anne (Mark leading to subject site) 3. Signs each of
Remarks: signs placed in front of subject property.
Posted by: Signature Date of return: 11-20-87
Number of Signs: 2

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
No. 45830
DATE: Nov 30/1987 ACCOUNT: 216150000
AMOUNT: \$ 87.58
RECEIVED FROM: Peter and John Radio Fellowship, Inc.
FOR: Posting and advertising
B 8016*****87561a 2304F
88-204-SPH
VALIDATION OR SIGNATURE OF CASHIER

Stephen J. Nolan, Esquire
204 West Pennsylvania Avenue
Towson, Maryland 21204

November 2, 1987

NOTICE OF HEARING

RE: PETITION FOR SPECIAL HEARING
SW/S Old Georgetown Rd., 4400' SW of Job Ave.
13th Election District - 1st Councilmanic District
Peter and John Radio Fellowship, Inc. - Petitioner
Case No. 88-204-SPH

TIME: 11:00 a.m.
DATE: Tuesday, December 1, 1987
PLACE: Room 106, County Office Building, 111 West Chesapeake
Avenue, Towson, Maryland

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
of Baltimore County

JRH:med

cc: Mr. John Thomas Bissett
Peter and John Radio Fellowship, Inc.
Radio Station WRBS
3600 Georgetown Road
Baltimore, Maryland 21227

Ms. Emilienne O'Rourke
7055 Walker Drive
Greenbelt, Maryland 20770

CERTIFICATE OF PUBLICATION

TOWSON, MD., Nov. 13, 1987

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., appearing on
Nov. 12, 1987

THE JEFFERSONIAN,

Susan Sludew O'Brien
Publisher

PETITION FOR
SPECIAL HEARING
13th Election District
1st Councilmanic District
Case No. 88-204-SPH
LOCATION: Southwest 2nd of
Old Georgetown Road, about 4400'
Southwest of Job Avenue, SW of
DOW and TOWSON Avenues
13th Election District
PUBLIC HEARING: Room 106,
County Office Building, 111 W.
Chesapeake Avenue, Towson,
Maryland 21204
The Zoning Commission of Baltimore County, by authority, and the
Zoning Act and Regulations of Baltimore County, will hold a public
hearing.
Petition for Special Hearing to appear
on a map and to be adopted
Case No. 88-204-SPH and to be
adopted by the Zoning Commission
to be held on the day of the hearing
being the property of Peter and
John Radio Fellowship, Inc. and
shown on plat plan filed with the
Zoning Office.
In the event that the Petitioner is
granted a hearing, the Petitioner
shall submit the duly signed
petition to the Zoning Commission
on or before the day of the hearing
and a copy of the petition and
the map shall be placed in the
public case shown. Such Petitioner
shall be heard at the hearing.
The date of the hearing is determined
and is hereby certified to be
By Order of the Zoning Commission
J. ROBERT HAINES
Zoning Commissioner
of Baltimore County
11/09 Nov. 12

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO Zoning Commissioner
FROM: Norman E. Gerber, AICP
Director of Planning and Zoning
SUBJECT: Zoning Petition No. 88-204-SPH

Date: November 4, 1987

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber per J. Howell
Norman E. Gerber, AICP
Director of Planning and Zoning

NEG:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

RECEIVED
NOV 6 1987
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

Mr. J. Robert Haines
TO Zoning Commissioner
FROM: Norman E. Gerber, AICP
Director of Planning and Zoning
SUBJECT: Zoning Petition No. 88-204-SPH

Date: November 4, 1987

There are no comprehensive planning factors requiring comment on this petition.

Norman E. Gerber per J. Howell
Norman E. Gerber, AICP
Director of Planning and Zoning

NEG:JGH:dme

cc: Ms. Shirley M. Hess, Legal Assistant, People's Counsel
File

LAW OFFICES
NOLAN, PLUMHOFF & WILLIAMS
CHARTERED
204 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204

Honorable J. Robert Haines
Zoning Commissioner for
Baltimore County
County Office Building
Towson, MD 21204

HAND DELIVERY

